

FILED
Clerk
District Court

AUG - 8 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

TORRES BROTHERS, LLC
Stephanie G. Flores, Esq.

Attorneys at Law

P.O. Box 501856

Saipan, MP 96950

Bank of Guam Building, Third Floor

Tel.: (670) 233-5506

Fax: (670) 233-5510

Attorneys for Eric Tudela Mafnas

UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CRIMINAL CASE NO. 04-00038

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEFENDANT MAFNAS'
SUPPLEMENTAL JURY INSTRUCTIONS

ERIC JOHN TUDELA MAFNAS,

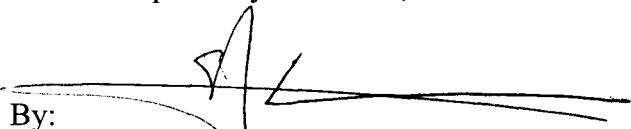
Defendant.

COMES NOW, Eric J.T. Mafnas, by and through his counsel of record and submits the following proposed jury instructions for consideration, the following are meant to supplement those instructions proposed by the Court.

Dated this 8th day of August, 2005.

Respectfully submitted,

By:


STEPHANIE G. FLORES
Attorney for Defendant,
Eric J.T. Mafnas

1 **TESTIMONY OF WITNESSES INVOLVING SPECIAL CIRCUMSTANCES--**
2 **IMMUNITY, BENEFITS, ACCOMPLICE, PLEA**

3 You have heard testimony from Carl Cabrera, a witness who

4 pleaded guilty to a crime arising out of the same events for which the defendant is
5 on trial. This guilty plea is not evidence against the defendant, and you may
6 consider it only in determining this witness's believability.

7 For this reason, in evaluating Carl Cabrera's testimony, you should consider the extent to which
8 or whether Mr. Cabrera's testimony may have been influenced by this factor. In addition, you should
9 examine Mr. Cabrera's testimony with greater caution than that of other witnesses.

10 Source: 9th Circuit Model Criminal Jury Instructions, Instruction 4.9

1 **MERE PRESENCE/ASSOCIATION/ACTIVITY**

2 A defendant's association with conspirators is not by itself sufficient to prove his participation
3 or membership in a conspiracy.

4 Source: 7th Circuit Model Jury Instructions

5 See also: U.S. v. Garcia, 562 F. 2d 411,414 (7th Cir. 1977); U.S. v. Moya-Gomez, 860 F. 2d 706, 759
6 (7th Cir. 1988), *cert. denied*, 492 U.S. 908 (1989)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24